IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7144 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIVYASHAKTI TRADERS- THROUGH PROPRIETOR

Versus

STATE OF GUJARAT

Appearance:

MR RM CHHAYA for Petitioner

MR VM PANCHOLI for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/04/2000

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties, I am satisfied that there is error apparent on the face of the order passed by the State Government.

2. It is not in dispute that the bills No.441, 442

and 443 were debited in the account on 4-11-1995. This has been ascertained by the counsel for the respondent No.4 from the original account book bought by the counsel for the petitioner. The bills No.444 and 445 were debited on 5-11-1995.

3. In view of this admitted fact, the finding given by the respondent No.1 that the bill No.443 has not been debited cannot be allowed to stand. Similarly, the finding that the bill No.444 has been debited twice is also erroneous on the face of it.

4. In the result, this special civil application succeeds and the same is allowed. The order of the State Government, annexure `A' dated 18-7-1998 is quashed and set aside. The Secretary (the respondent No.1) is directed to decide the matter afresh in accordance with law and after hearing the parties to the matter. Rule is made absolute accordingly with no order as to costs.

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